

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAKEENAH MCCULLOUGH, et al.,

Plaintiffs,

v.

XEROX CORPORATION,

Defendant.

Case No. 13-cv-04596-HSG

ORDER TO SHOW CAUSE

Re: Dkt. Nos. 27, 67, 75, 76

On April 11, 2014, Judge White issued an order denying Defendant's motion to sever under Federal Rule of Civil Procedure 21. Dkt. No. 27. That motion was fully and substantively briefed by the parties. Dkt. Nos. 16, 21, 24. In his order, Judge White found that Plaintiffs had satisfied the prerequisites for permissive joinder under Federal Rule of Civil Procedure 20, and that Defendant would "not be prejudiced by having Plaintiffs' claims tried together." Order at 3. On February 13, 2015, the case was reassigned to this Court. On April 30, 2015, the Court held a hearing on Defendant's motions for summary judgment and conducted its first case management conference with the parties at the same time. Dkt. No. 67. At that hearing, defense counsel said she planned to file a motion to sever, but did not reference Judge White's earlier ruling, and neither party has acknowledged that ruling in their subsequent filings regarding the timing of the proposed severance briefing.


Having reviewed the docket, Judge White's order, and the parties' briefing, it appears to the Court that Defendant essentially plans to seek reconsideration of the April 2014 order. If that is the case, Defendant must follow the procedures outlined in Civil Local Rule 7-9, including establishing good cause for the Court to grant leave to file the motion. Defendant is advised that the Court will look with substantial disfavor on any effort to file a duplicative motion relitigating the already-decided severance issues. Moreover, based on the Court's ruling on the summary

1 judgment motions, Plaintiffs' claims have even more in common than they did when the April
2 2014 order issued. All that remains to be decided at trial are Plaintiffs' racial discrimination
3 claims, which are based on the same statutes, rely on similar facts, and will involve a number of
4 the same witnesses.

5 Accordingly, Defendant is ORDERED to SHOW CAUSE by 5:00 p.m. on Thursday,
6 October 15, 2015 why any proposed renewed motion to sever is not a motion for reconsideration
7 of Judge White's April 11, 2014 Order subject to the requirements of Civil Local Rule 7-9.
8 Defendant's filing may not exceed three pages in length.

9 **IT IS SO ORDERED.**

10 Dated: 10/9/2015

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13 HAYWOOD S. GILLIAM, JR.
14 United States District Judge
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